



**Virginia  
Regulatory  
Town Hall**

**Notice of Intended Regulatory Action  
Agency Background Document**

<b>Agency Name:</b>	8 VAC 20 – Virginia Department of Education
<b>VAC Chapter Number:</b>	8 VAC 20-650
<b>Regulation Title:</b>	Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program
<b>Action Title:</b>	Promulgate Regulations
<b>Date:</b>	April 26, 2001

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

**Purpose**

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

The proposed regulations are intended to replace the Emergency Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program that became effective March 6, 2001. The regulations provide a procedure for determining critical teacher shortage areas. General Assembly funding of the Virginia Teaching Scholarship Loan Program provides scholarships to prospective teachers enrolled in teacher preparation programs. The intent of the scholarships is to support teachers who are preparing to teach in critical teacher shortage areas. A process must be in place to identify those critical teacher shortage areas for the awarding of the scholarships. The goal of the regulations is to collect the supply and demand information from school divisions and provide a reasonable and scientific procedure to identify critical teacher shortage areas in Virginia.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

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House Bill 1404 enacted by the 2000 Session of the Virginia General Assembly required the following:

The Board of Education shall establish, in regulation, criteria for determining, biennially, critical teacher shortage areas for awarding scholarships pursuant to this section (§ 22.1-212.2:1 of the Code of Virginia). The criteria shall include such factors as the needs in teacher endorsement areas among the several school divisions of the Commonwealth, teacher shortages at the elementary and secondary grade levels, and teacher shortages in rural and urban regions of the Commonwealth. The Program (Virginia Teaching Scholarship Loan Program) shall be administered by the Board of Education, which shall promulgate such regulations as may be necessary for the implementation of the Program.

## Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

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Emergency Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program became effective March 6, 2001. The purpose of this request is to change the emergency regulations to final regulations. The content of the emergency regulations is as follows:

**Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program**

**8 VAC 20-650**

**8VAC20-650-10 Biennial Survey**

Beginning in school year 2001-2002, to obtain the data necessary for establishing critical teacher shortage areas a biennial survey of instructional personnel shall be conducted as follows:

1. The Department of Education shall be responsible for the administration of the biennial survey and shall
  - a. Distribute to each local school division a biennial survey of instructional personnel for the purpose of determining critical teacher shortages for awarding scholarships. The Department may distribute the survey through electronic means; and
  - b. Post the results of the survey in a manner that will permit access to the public through an electronic process.
2. Each local school division shall be required to submit a completed survey within the timeframe established by the Department. If the survey is distributed through electronic means then the survey shall be completed and submitted to the Department through electronic means as identified by the Department.
3. To obtain information about the differences in the supply and demand among Virginia school divisions the survey will require, but not be limited to, the following data:
  - (1) Number of teaching positions by subject area;
  - (2) Number of teacher shortages by endorsement (teaching) area existing when the number of available teachers with the appropriate endorsement is fewer than is needed to fill classrooms;
  - (3) Number of teachers employed without the appropriate teaching endorsement; and
  - (4) Number of teachers employed without a full license for their teaching assignment.

**8VAC20-650-10 Establishing Critical Shortage Areas**

For the purpose of administering the Virginia Teaching Scholarship Loan Program, the Board of Education shall:

Utilize the data collected through the biennial survey to establish critical teacher shortage areas as follows:

- a. Teacher shortages reported by school divisions are defined as existing when the number of available teachers with the appropriate endorsement is fewer than is needed to fill public school classrooms.
- b. To determine statewide shortages, the number of teacher shortages by endorsement (teaching) area shall be reported by school divisions in the survey instrument. The number of teacher shortages reported by school divisions will be tabulated by endorsement area. The top ten teaching areas with the largest number of positions that could not be filled with teachers with the appropriate endorsement will be identified as statewide teacher shortages.
- c. An individual may be eligible for a scholarship, regardless of teaching discipline, by agreeing to teach in a school with a high concentration (50 or more percent) of students eligible for free or reduced lunch or in a rural or urban school division of the state based on the current Metropolitan Statistics Area (MSA) data for Virginia where 10 percent of the teachers are not fully licensed for their teaching assignment.

During the regulatory review process for promulgating the permanent regulations, several additional provisions to the text (as adopted in the emergency regulations, as shown above) will be considered. The additional provisions to be included in the permanent regulations include the process for selecting scholarship recipients, criteria for choosing recipients, and the criteria to be met for keeping the scholarship.

### Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

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The Board of Education is required to determine critical shortage areas of teachers. During the process of establishing emergency regulations, several alternatives to

determine critical teacher shortages were discussed. Specific alternatives, included establishing various formulas for determining shortages and identifying teacher shortages only if the majority of school divisions reported shortages in those specific areas. The process outlined in the emergency regulations meets the requirements of the law and is a feasible process to collect the data both regionally and statewide and determine critical teacher shortages.

### Family Impact Statement

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program will not have an impact on the institution of the family and family stability.